

AMENDED IN SENATE APRIL 24, 2006

SENATE BILL

No. 1653

Introduced by Senator Alarcon

February 24, 2006

An act to amend Section 60010 of, and to add Chapter 3.75 (commencing with Section 60475) *and Chapter 3.8 (commencing with Section 60480)* to Part 33 of, the Education Code, relating to ~~supplemental~~ instructional materials, *making an appropriation therefor*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1653, as amended, Alarcon. K-12-~~Supplemental~~ *Pupil Support* Instructional Materials.

Existing law establishes the processes involved in and the requirements for the selection of instructional materials. Existing law also establishes the State Instructional Materials Fund and provides the process by which the purchase of instructional materials is funded.

This bill would establish the K-12-~~Supplemental~~ *Pupil Support* Instructional Materials Account within the State Treasury and would authorize the State Board of Education to administer it. This bill would require that each fiscal year, commencing with the ~~2006-07~~ 2006-07 fiscal year, an amount of moneys be transferred from the Proposition 98 Reversion Account to the K-12-~~Supplemental~~ *Pupil Support* Instructional Materials Account in the annual Budget Act ~~the~~. *The* bill would require the amount to equal 10% of the unappropriated balance in the Proposition 98 Reversion Account as of the end of the immediately preceding fiscal year or \$10 per pupil enrolled in kindergarten and grades 1 to 12, inclusive, adjusted annually for

inflation, whichever is higher, to the extent funds are available. This bill would require that the funds in the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account be used for the necessary ~~supplemental pupil support~~ instructional materials. This bill would permit the Legislature to transfer other funds appropriated in compliance with Proposition 98 into the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account and would also permit the receipt of private donations.

This bill would provide that all moneys in the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account be available for reimbursement to school districts on a per pupil basis as approved by the ~~State Board of Education~~ *state board*. This bill would require that the funds in the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account be used to supplement, rather than to supplant, existing funds available for instructional materials. This bill would authorize the ~~State Board of Education~~ *state board* to deny future funding if it determines that a school district has exhibited a pattern of a failure to exercise due diligence or of using the funding to supplant other funding sources.

The bill would require the State Department of Education to conduct a standards-based, pupil support instructional materials review no later than 24 months after the core adoption for a subject and would require the department to provide notice to publishers and manufacturers of the review prior to conducting it, as specified. The department would be limited to approving only those pupil support instructional materials that are aligned with state standards in the subject and state-adopted core programs. Publishers and manufacturers submitting materials for review would be required to demonstrate how the materials are aligned with the standards and how the materials can be used in conjunction with core programs. The bill would require that the materials approved through the review be used to supplement the use of standards-based instructional materials adopted by the state board. The review would be performed only if the department identifies a dedicated funding source for the materials, as specified.

An unspecified amount would be appropriated by this bill from the General Fund to the department to provide sufficient staffing to administer the review process.

This bill also would make a technical, nonsubstantive change.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60010 of the Education Code is
2 amended to read:
3 60010. For the purpose of this part, the following terms have
4 the following meanings unless the context in which they appear
5 clearly requires otherwise:
6 (a) “Basic instructional materials” means instructional
7 materials that are designed for use by pupils as a principal
8 learning resource and that meet in organization and content the
9 basic requirements of the intended course.
10 (b) “Commission” means the Curriculum Development and
11 Supplemental Materials Commission.
12 (c) “Curriculum framework” means an outline of the
13 components of a given course of study designed to provide state
14 direction to school districts in the provision of instructional
15 programs.
16 (d) “District board” means the board of education or
17 governing board of any county, city and county, city, or other
18 district that has the duty to provide for the education of the
19 children in its county, city and county, city, or district.
20 (e) “Elementary school” means all public schools in which
21 instruction is given through grade 8 or in any one or more of
22 those grades.
23 (f) “Governing boards” means the state board and any one or
24 more district boards.
25 (g) “High school” means all public schools other than
26 elementary schools in which instruction is given through grade
27 12, or in any one or more of those grades.
28 (h) “Instructional materials” means all materials that are
29 designed for use by pupils and their teachers as a learning
30 resource and help pupils to acquire facts, skills, or opinions or to
31 develop cognitive processes. Instructional materials may be
32 printed or nonprinted, and may include textbooks,

1 technology-based materials, other educational materials, and
2 tests.

3 (i) “Nonpublic school” means a school that both satisfies the
4 requirements of Section 48222, and is exempt from taxation
5 under Section 214 of the Revenue and Taxation Code.

6 (j) “School official” means any member of any governing
7 board, any city, county, city and county, or district
8 superintendent of schools, and any principal, teacher, or other
9 employee under his or her charge.

10 (k) “State board” means the State Board of Education.

11 (l) “Supplemental instructional ~~materials~~” *materials,*” also
12 *known as “pupil support instructional materials,”* means
13 instructional materials designed to serve, but not be limited to,
14 one or more of the following purposes, for a given subject, at a
15 given grade level:

16 (1) To provide more complete coverage of a subject or
17 subjects included in a given course.

18 (2) To provide for meeting the various learning ability levels
19 of pupils in a given age group or grade level.

20 (3) To provide for meeting the diverse educational needs of
21 pupils with a language disability in a given age group or grade
22 level.

23 (4) To provide for meeting the diverse educational needs of
24 pupils reflective of a condition of cultural pluralism.

25 (m) “Technology-based materials” means those basic or
26 supplemental instructional materials that are designed for use by
27 pupils and teachers as learning resources and that require the
28 availability of electronic equipment in order to be used as a
29 learning resource. Technology-based materials include, but are
30 not limited to, software programs, video disks, compact disks,
31 optical disks, video and audio tapes, lesson plans, and databases.
32 Technology-based materials do not include the equipment
33 required to make use of those materials.

34 (n) “Test” means any device used to measure the knowledge
35 or achievement of students.

36 SEC. 2. Chapter 3.75 (commencing with Section 60475) is
37 added to Part 33 of the Education Code, to read:

CHAPTER 3.75. THE K-12-~~SUPPLEMENTAL~~ *PUPIL SUPPORT*
INSTRUCTIONAL MATERIALS ACCOUNT

60475. (a) There is hereby established in the State Treasury the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account. The state board shall administer the account.

(b) Commencing with the 2006–07 fiscal year, and each fiscal year thereafter, an amount of moneys shall be transferred in the annual Budget Act from the Proposition 98 Reversion Account to the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account equaling 10 percent of the unappropriated balance in the Proposition 98 Reversion Account as of the end of the immediately preceding fiscal year or 10 dollars (\$10) per pupil enrolled in kindergarten and grades 1 to 12, inclusive, adjusted annually for inflation pursuant to subdivision (b) of Section 42238.1, whichever amount is greater, to the extent funds are available. Moneys transferred pursuant to this subdivision shall be used for necessary-~~supplemental pupil support~~ instructional materials.

(c) The Legislature may transfer to the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account other funds appropriated in compliance with Proposition 98, except funds specified pursuant to Section 41207. Donations by private entities shall be deposited into the account and, for tax purposes, be treated as otherwise provided by law.

60476. (a) All moneys in the K-12-~~Supplemental Pupil Support~~ Instructional Materials Account are available for reimbursement to schools on a per pupil basis as approved by the state board.

(b) (1) It is the intent of the Legislature that each school district exercise due diligence in the administration of funds appropriated for-~~supplemental pupil support~~ instructional materials.

(2) Funds made available pursuant to this chapter shall supplement, rather than supplant, existing funds available for instructional materials.

(3) The state board is authorized to deny future funding pursuant to this chapter to a school district if the state board determines that there is a pattern of failure to exercise due diligence pursuant to paragraph (1) or supplantation contrary to

1 paragraph (2). If the state board finds a pattern of failure to
2 exercise due diligence, the state board shall notify the appropriate
3 county superintendent of schools for the school district.

4 *SEC. 3. Chapter 3.8 (commencing with Section 60480) is*
5 *added to Part 33 of the Education Code, to read:*

6
7 *CHAPTER 3.8. STANDARDS-BASED, PUPIL SUPPORT*
8 *INSTRUCTIONAL MATERIALS PROGRAM*
9

10 60480. *The Standards-Based Pupil Support Instructional*
11 *Materials Program is hereby established and shall be*
12 *administered by the department.*

13 60481. (a) *The department shall conduct a standards-based,*
14 *pupil support instructional materials review no later than 24*
15 *months after the primary adoption of instructional materials in*
16 *the same curriculum area.*

17 (b) *For purposes of this chapter, a standards-based pupil*
18 *support instructional materials review is a review other than the*
19 *primary adoption of instructional materials for a curriculum*
20 *area that occurs within the six- or eight-year cycles established*
21 *pursuant to subdivision (b) of Section 60200.*

22 60482. *Before conducting a standards-based, pupil support*
23 *instructional materials review in a curriculum area, the*
24 *department shall provide notice of the review to all publishers*
25 *and manufacturers known to produce instructional materials in*
26 *the curriculum area, post an appropriate notice regarding the*
27 *review on the Internet Web site of the department, and take other*
28 *reasonable measures to ensure that appropriate notice is widely*
29 *circulated to potentially interested publishers and manufacturers.*

30 60483. (a) *The department shall create an evaluation*
31 *process for materials submitted for review under the program*
32 *and shall analyze the submissions to certify that the materials*
33 *cover the appropriate content standards.*

34 (b) *The state board shall evaluate, through the process*
35 *developed pursuant to subdivision (a), whether the submitted*
36 *materials support instruction in one or more core curriculum*
37 *areas.*

38 (c) *The department shall only approve, through the review,*
39 *pupil support instructional materials that cover the appropriate*
40 *content standards; support instruction in one or more core*

1 curriculum areas; and comply with the requirements of Sections
2 60040 to 60045, inclusive, Section 60048, and the guidelines for
3 social content promulgated by the state board.

4 60484. To facilitate the analysis of materials submitted for
5 review, publishers and manufacturers shall identify the content
6 standards addressed by the materials they submit and shall
7 identify the manner in which the submitted pupil support
8 instructional materials may be used in conjunction with
9 instruction in core curriculum areas.

10 60485. Materials reviewed pursuant to the program may be
11 printed, technology-based, or any combination thereof, but shall
12 not include hardware. The review may encompass software for
13 online subscription-based services that are utilized for
14 instruction or assessment of pupil achievement.

15 60486. Materials approved pursuant to this chapter shall
16 supplement and not supplant the use of standards-based
17 instructional materials adopted by the state board pursuant to
18 Section 60200 or the governing board of a school district
19 maintaining one or more high schools pursuant to Section 60400.

20 60487. The department shall conduct an annual review
21 pursuant to this chapter only if it has identified a dedicated
22 funding source for standards-based, pupil support instructional
23 materials in the K-12 Pupil Support Instructional Materials
24 Account, established pursuant to Chapter 3.75 (commencing with
25 Section 60475), or another funding source identified in the
26 annual Budget Act or other statute.

27 SEC. 4. There is hereby appropriated ____ dollars (\$____)
28 from the General Fund to the State Department of Education to
29 provide sufficient staffing to administer the review process under
30 the Standards-Based, Pupil Support Instructional Materials
31 Program pursuant to Chapter 3.8 (commencing with Section
32 60480) of Part 33 of the Education Code.

33 ~~SEC. 3.~~

34 SEC. 5. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety
36 within the meaning of Article IV of the Constitution and shall go
37 into immediate effect. The facts constituting the necessity are:

38 In order for school districts to have sufficient funds for
39 supplemental pupil support materials for the ~~2006-07~~ 2006-07
40 school year at the earliest possible time, so that pupils may

1 receive the best possible education, it is necessary that this act
 2 take effect immediately.

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5 **CORRECTIONS:**

6 **Text — Page 4.**

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